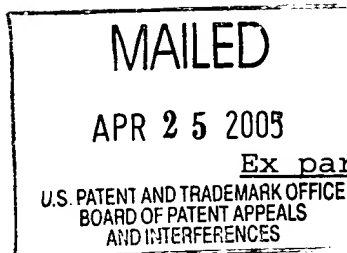


UNITED STATES PATENT AND TRADEMARK OFFICE



BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ANDREW E. BLAU and EDUARDUS A.T. MERKS

Application No. 09/687,092

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on March 16, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

On August 5, 2004, appellants filed a Supplemental Appeal Brief. On November 4, 2004, the examiner mailed an Examiner's Answer. On page 3, section (8) of the Answer, the examiner states that "[t]he copy of the appealed claims contained in the Appendix to the brief is correct." However, a review of the Appendix to the Supplemental Appeal Brief reveals that claims are not the correct copy according to the latest amendment filed on June 27, 2003. Specifically, claims 4 and 24 contain errors as follows:

Claim 4, line 4: After "error" insert "--using a second key--."

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Claim 24, line 6: Delete "an" and replace with
"--a compiler--."

Accordingly, it is

ORDERED that the application is returned to the examiner to notify appellants to submit a corrected copy of the claims 4 and 24, or for the examiner to reproduce a corrected copy of claims 4 and 24, and for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

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